



Rep. Michael J. Madigan

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1 AMENDMENT TO SENATE BILL 1955

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1955 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Sections  
5 1A-1, 1A-4, 2-3.6, 10-19, 21-1b, 21-1c, 21-12, and 34-18 and by  
6 adding Sections 1A-10, 2-3.47a, 2-3.62a, and 3-14.30 as  
7 follows:

8 (105 ILCS 5/1A-1) (from Ch. 122, par. 1A-1)

9 Sec. 1A-1. Members and terms.

10 (a) (Blank). ~~The term of each member of the State Board of~~  
11 ~~Education who is in office on the effective date of this~~  
12 ~~amendatory Act of 1996 shall terminate on January 1, 1997 or~~  
13 ~~when all of the new members initially to be appointed under~~  
14 ~~this amendatory Act of 1996 are appointed by the Governor as~~  
15 ~~provided in subsection (b), whichever last occurs.~~

16 (b) ~~The Beginning on January 1, 1997 or when all of the new~~  
17 ~~members initially to be appointed under this subsection are~~  
18 ~~appointed by the Governor, whichever last occurs, and~~  
19 ~~thereafter,~~ the State Board of Education shall consist of 8 ~~9~~  
20 members and a chairperson, who shall be appointed by the  
21 Governor with the advice and consent of the Senate from a  
22 pattern of regional representation as follows: 2 appointees  
23 shall be selected from among those counties of the State other  
24 than Cook County and the 5 counties contiguous to Cook County;

1 2 appointees shall be selected from Cook County, one of whom  
2 shall be a resident of the City of Chicago and one of whom  
3 shall be a resident of that part of Cook County which lies  
4 outside the city limits of Chicago; 2 appointees shall be  
5 selected from among the 5 counties of the State that are  
6 contiguous to Cook County; and 3 members shall be selected as  
7 members-at-large (one of which shall be the chairperson). The  
8 Governor who takes office on the second Monday of January after  
9 his or her election shall be the person who nominates members  
10 to fill vacancies whose terms begin after that date and before  
11 the term of the next Governor begins.

12 The term of each member of the State Board of Education  
13 whose term expires on January 12, 2005 shall instead terminate  
14 on the effective date of this amendatory Act of the 93rd  
15 General Assembly. Of these 3 seats, (i) the member initially  
16 appointed pursuant to this amendatory Act of the 93rd General  
17 Assembly whose seat was vacant on April 27, 2004 shall serve  
18 until the second Wednesday of January, 2009 and (ii) the other  
19 2 members initially appointed pursuant to this amendatory Act  
20 of the 93rd General Assembly shall serve until the second  
21 Wednesday of January, 2007.

22 The term of the member of the State Board of Education  
23 whose seat was vacant on April 27, 2004 and whose term expires  
24 on January 10, 2007 shall instead terminate on the effective  
25 date of this amendatory Act of the 93rd General Assembly. The  
26 member initially appointed pursuant to this amendatory Act of  
27 the 93rd General Assembly to fill this seat shall be the  
28 chairperson and shall serve until the second Wednesday of  
29 January, 2007. As determined by the State Board of Education by  
30 lot, the term of one of the other 2 members whose term expires  
31 on January 10, 2007 shall instead terminate on the effective  
32 date of this amendatory Act of the 93rd General Assembly. The  
33 member initially appointed pursuant to this amendatory Act of  
34 the 93rd General Assembly to fill this seat shall serve until

1 ~~the second Wednesday of January, 2007. At no time may more than~~  
2 ~~5 members of the Board be from one political party. Party~~  
3 ~~membership is defined as having voted in the primary of the~~  
4 ~~party in the last primary before appointment. The 9 members~~  
5 ~~initially appointed pursuant to this amendatory Act of 1996~~  
6 ~~shall draw lots to determine 3 of their number who shall serve~~  
7 ~~until the second Wednesday of January, 2003, 3 of their number~~  
8 ~~who shall serve until the second Wednesday of January, 2001,~~  
9 ~~and 3 of their number who shall serve until the second~~  
10 ~~Wednesday of January, 1999. Upon expiration of the terms of the~~  
11 ~~members initially appointed under this amendatory Act of the~~  
12 ~~93rd General Assembly and members whose terms were not~~  
13 ~~terminated by this amendatory Act of the 93rd General Assembly~~  
14 ~~1996, their respective successors shall be appointed for terms~~  
15 ~~of 4 ~~6~~ years, from the second Wednesday in January of each odd~~  
16 ~~numbered year and until their respective successors are~~  
17 ~~appointed and qualified.~~

18 ~~(c) Of the 4 members, excluding the chairperson, whose~~  
19 ~~terms expire on the second Wednesday of January, 2007 and every~~  
20 ~~4 years thereafter, one of those members must be an at-large~~  
21 ~~member and at no time may more than 2 of those members be from~~  
22 ~~one political party. Of the 4 members whose terms expire on the~~  
23 ~~second Wednesday of January, 2009 and every 4 years thereafter,~~  
24 ~~one of those members must be an at-large member and at no time~~  
25 ~~may more than 2 of those members be from one political party.~~  
26 ~~Party membership is defined as having voted in the primary of~~  
27 ~~the party in the last primary before appointment.~~

28 ~~(d) Vacancies in terms shall be filled by appointment by~~  
29 ~~the Governor with the advice and consent of the Senate for the~~  
30 ~~extent of the unexpired term. If a vacancy in membership occurs~~  
31 ~~at a time when the Senate is not in session, the Governor shall~~  
32 ~~make a temporary appointment until the next meeting of the~~  
33 ~~Senate, when the Governor shall appoint a person to fill that~~  
34 ~~membership for the remainder of its term. If the Senate is not~~

1 in session when appointments for a full term are made, the  
2 appointments shall be made as in the case of vacancies.

3 (Source: P.A. 89-610, eff. 8-6-96.)

4 (105 ILCS 5/1A-4) (from Ch. 122, par. 1A-4)

5 Sec. 1A-4. Powers and duties of the Board.

6 A. (Blank). ~~Upon the appointment of new Board members as~~  
7 ~~provided in subsection (b) of Section 1A-1 and every 2 years~~  
8 ~~thereafter, the chairperson of the Board shall be selected by~~  
9 ~~the Governor, with the advice and consent of the Senate, from~~  
10 ~~the membership of the Board to serve as chairperson for 2~~  
11 ~~years.~~

12 B. The Board shall determine the qualifications of and  
13 appoint a chief education officer to be known as the State  
14 Superintendent of Education who shall serve at the pleasure of  
15 the Board and pursuant to a performance-based contract linked  
16 to statewide student performance and academic improvement  
17 within Illinois schools. Appointment of a State Superintendent  
18 of Education shall be made by the State Board of Education that  
19 includes the members of the Board whose terms begin after the  
20 effective date of this amendatory Act of the 93rd General  
21 Assembly and then by the State Board of Education that includes  
22 the members of the Board whose terms begin on the second  
23 Wednesday of January, 2007 and each 4 years thereafter. A ~~No~~  
24 performance-based contract issued for the employment of a the  
25 State Superintendent of Education entered into on or after the  
26 effective date of this amendatory Act of the 93rd General  
27 Assembly must expire no later than February 1, 2007, and  
28 subsequent contracts must expire no later than each 4 years  
29 thereafter. ~~No shall be for a term longer than 3 years and no~~  
30 contract shall be extended or renewed beyond February 1, 2007  
31 and each 4 years thereafter, but a State Superintendent of  
32 Education shall serve until his or her successor is appointed  
33 prior to its scheduled expiration unless the performance and

1 ~~improvement goals contained in the contract have been met.~~ With  
2 regard to this amendatory Act of the 93rd General Assembly, it  
3 is the intent of the General Assembly that a State  
4 Superintendent of Education be appointed at the beginning of  
5 each term of a Governor after that Governor has made  
6 appointments to the Board. The State Superintendent of  
7 Education shall not serve as a member of the State Board of  
8 Education. The Board shall set the compensation of the State  
9 Superintendent of Education who shall serve as the Board's  
10 chief executive officer. The Board shall also establish the  
11 duties, powers and responsibilities of the State  
12 Superintendent, which shall be included in the State  
13 Superintendent's performance-based contract along with the  
14 goals and indicators of student performance and academic  
15 improvement used to measure the performance and effectiveness  
16 of the State Superintendent. The State Board of Education may  
17 delegate to the State Superintendent of Education the authority  
18 to act on the Board's behalf, provided such delegation is made  
19 pursuant to adopted board policy or the powers delegated are  
20 ministerial in nature. The State Board may not delegate  
21 authority under this Section to the State Superintendent to (1)  
22 nonrecognize school districts, (2) withhold State payments as a  
23 penalty, or (3) make final decisions under the contested case  
24 provisions of the Illinois Administrative Procedure Act unless  
25 otherwise provided by law.

26 C. The powers and duties of the State Board of Education  
27 shall encompass all duties delegated to the Office of  
28 Superintendent of Public Instruction on January 12, 1975,  
29 except as the law providing for such powers and duties is  
30 thereafter amended, and such other powers and duties as the  
31 General Assembly shall designate. The Board shall be  
32 responsible for the educational policies and guidelines for  
33 public schools, pre-school through grade 12 and Vocational  
34 Education in the State of Illinois. The Board shall analyze the

1 present and future aims, needs, and requirements of education  
2 in the State of Illinois and recommend to the General Assembly  
3 the powers which should be exercised by the Board. The Board  
4 shall recommend the passage and the legislation necessary to  
5 determine the appropriate relationship between the Board and  
6 local boards of education and the various State agencies and  
7 shall recommend desirable modifications in the laws which  
8 affect schools.

9 D. Two members of the Board shall be appointed by the  
10 chairperson to serve on a standing joint Education Committee, 2  
11 others shall be appointed from the Board of Higher Education, 2  
12 others shall be appointed by the chairperson of the Illinois  
13 Community College Board, and 2 others shall be appointed by the  
14 chairperson of the Human Resource Investment Council. The  
15 Committee shall be responsible for making recommendations  
16 concerning the submission of any workforce development plan or  
17 workforce training program required by federal law or under any  
18 block grant authority. The Committee will be responsible for  
19 developing policy on matters of mutual concern to elementary,  
20 secondary and higher education such as Occupational and Career  
21 Education, Teacher Preparation and Certification, Educational  
22 Finance, Articulation between Elementary, Secondary and Higher  
23 Education and Research and Planning. The joint Education  
24 Committee shall meet at least quarterly and submit an annual  
25 report of its findings, conclusions, and recommendations to the  
26 State Board of Education, the Board of Higher Education, the  
27 Illinois Community College Board, the Human Resource  
28 Investment Council, the Governor, and the General Assembly. All  
29 meetings of this Committee shall be official meetings for  
30 reimbursement under this Act.

31 E. Five members of the Board shall constitute a quorum. A  
32 majority vote of the members appointed, confirmed and serving  
33 on the Board is required to approve any action.

34 The Board shall prepare and submit to the General Assembly

1 and the Governor on or before January 14, 1976 and annually  
2 thereafter a report or reports of its findings and  
3 recommendations. Such annual report shall contain a separate  
4 section which provides a critique and analysis of the status of  
5 education in Illinois and which identifies its specific  
6 problems and recommends express solutions therefor. Such  
7 annual report also shall contain the following information for  
8 the preceding year ending on June 30: each act or omission of a  
9 school district of which the State Board of Education has  
10 knowledge as a consequence of scheduled, approved visits and  
11 which constituted a failure by the district to comply with  
12 applicable State or federal laws or regulations relating to  
13 public education, the name of such district, the date or dates  
14 on which the State Board of Education notified the school  
15 district of such act or omission, and what action, if any, the  
16 school district took with respect thereto after being notified  
17 thereof by the State Board of Education. The report shall also  
18 include the statewide high school dropout rate by grade level,  
19 sex and race and the annual student dropout rate of and the  
20 number of students who graduate from, transfer from or  
21 otherwise leave bilingual programs. The Auditor General shall  
22 annually perform a compliance audit of the State Board of  
23 Education's performance of the reporting duty imposed by this  
24 amendatory Act of 1986. A regular system of communication with  
25 other directly related State agencies shall be implemented.

26 The requirement for reporting to the General Assembly shall  
27 be satisfied by filing copies of the report with the Speaker,  
28 the Minority Leader and the Clerk of the House of  
29 Representatives and the President, the Minority Leader and the  
30 Secretary of the Senate and the Legislative Council, as  
31 required by Section 3.1 of the General Assembly Organization  
32 Act, and filing such additional copies with the State  
33 Government Report Distribution Center for the General Assembly  
34 as is required under paragraph (t) of Section 7 of the State

1 Library Act.

2 F. Upon appointment of the 5 new Board members pursuant to  
3 this amendatory Act of the 93rd General Assembly, the Board  
4 shall review all of its current rules in an effort to  
5 streamline procedures, improve efficiency, and eliminate  
6 unnecessary forms and paperwork.

7 (Source: P.A. 89-430, eff. 12-15-95; 89-610, eff. 8-6-96;  
8 89-698, eff. 1-14-97; 90-548, eff. 1-1-98.)

9 (105 ILCS 5/1A-10 new)

10 Sec. 1A-10. Divisions of Board.

11 (a) Division of Teaching and Learning Services. Within the  
12 State Board of Education, there is created a Division of  
13 Teaching and Learning Services, which shall provide services to  
14 improve the capacity of schools to assure that all students  
15 meet or exceed the State learning standards. The Division shall  
16 oversee, but not be limited to, the following:

17 (1) Curriculum and Instruction.

18 (2) Early Childhood Development, which shall include,  
19 but not be limited to, providing support for education  
20 programs for children ages 0 through 8.

21 (3) Programs for At-Risk Students, which shall  
22 include, but not be limited to, the following:

23 (A) Regional Safe Schools under Article 13A of this  
24 Code.

25 (B) The Truant Alternative Optional Education  
26 Program.

27 (4) Federal Grants and Programs.

28 (5) Instructional Technology.

29 (b) Division of School Support Services. Within the State  
30 Board of Education, there is created a Division of School  
31 Support Services, which shall oversee, but not be limited to,  
32 the following:

33 (1) Assessment and Accountability, which shall

1 include, but not be limited to, the following:

2 (A) Develop the State assessment program as  
3 required by State and federal law.

4 (B) Determine if schools are meeting the  
5 requirements of State and federal law.

6 (2) School Improvement and Awards, which shall  
7 include, but not be limited to, the following:

8 (A) Assist school districts in need of academic  
9 improvement services.

10 (B) Recognize exemplary schools.

11 (3) Data and Research, which shall include, but not be  
12 limited to, legal services.

13 (4) Web Services.

14 (5) Transportation Services.

15 (6) Food Service and Nutrition Services.

16 (c) Division of Fiscal Support Services. Within the State  
17 Board of Education, there is created a Division of Fiscal  
18 Support Services, which shall oversee, but not be limited to,  
19 the following:

20 (1) School Business Support, which shall include, but  
21 not be limited to, the following:

22 (A) Determine the financial ranking of school  
23 districts.

24 (B) Assist school districts with business  
25 management functions.

26 (C) Address school funding and disbursement  
27 issues.

28 (2) School Construction, which shall include functions  
29 in accordance with the School Construction Law.

30 (d) Division of Special Education Services. Within the  
31 State Board of Education, there is created a Division of  
32 Special Education Services, which shall report directly to the  
33 State Superintendent of Education on special education issues.

34 (e) Office of the Internal Auditor. Within the State Board

1 of Education, there is created an Office of the Internal  
2 Auditor, which shall report directly to the State  
3 Superintendent of Education.

4 (f) Office of Human Resources. Within the State Board of  
5 Education, there is created an Office of Human Resources, which  
6 shall report directly to the State Superintendent of Education.

7 (105 ILCS 5/2-3.6) (from Ch. 122, par. 2-3.6)

8 Sec. 2-3.6. Rules and policies. To make rules and policies,  
9 in accordance with the Illinois Administrative Procedure Act,  
10 necessary to carry into efficient and uniform effect all laws  
11 for establishing and maintaining free schools in the State. No  
12 rule or policy of the State Board of Education may supercede  
13 federal or State law, unless otherwise authorized by law.

14 (Source: Laws 1961, p. 31.)

15 (105 ILCS 5/2-3.47a new)

16 Sec. 2-3.47a. Strategic plan.

17 (a) The State Board of Education shall develop and maintain  
18 a continuing 5-year comprehensive strategic plan for  
19 elementary and secondary education. The strategic plan shall  
20 include without limitation all of the following topic areas:

21 (1) Service and support to school districts to improve  
22 student performance.

23 (2) Equity, adequacy, and predictability of  
24 educational opportunities and resources for all schools.

25 (3) Program development and improvements, including  
26 financial planning and support services.

27 (4) Efficient means of delivering services to schools  
28 on a regional basis.

29 (5) Assistance to students at risk of academic failure  
30 and the use of proven support programs and services to  
31 close the achievement gap.

32 (6) Educational research and development and access

1 and training in the use of a centralized student  
2 achievement data system.

3 (7) Recommendations for streamlining the School Code  
4 to eliminate rules that interfere with local control,  
5 taking into account those foundational standards that have  
6 already been established.

7 (8) Streamlining certification of teachers and  
8 administrators to provide quality personnel and ongoing  
9 professional development.

10 (9) Support services to enhance the capacity of school  
11 districts to meet federal and State statutory standards.

12 (10) Enhanced technology for use in administration,  
13 classroom, and nontraditional educational settings.

14 (11) Recognition of successful, exemplary schools.

15 (12) The unique needs of rural school districts.

16 (13) School reorganization issues.

17 (14) Attraction and retention of qualified teachers.

18 (15) Additional duties that should be assigned to  
19 regional offices of education and regional administrative  
20 service centers to support local control of school  
21 districts and eliminate any duplication and inefficiency.

22 The State Board of Education shall consult with the educational  
23 community, hold public hearings, and receive input from all  
24 interested groups in drafting the strategic plan.

25 (b) To meet the requirements of this Section, the State  
26 Board of Education shall issue to the Governor and General  
27 Assembly a preliminary report within 6 months after the  
28 effective date of this amendatory Act of the 93rd General  
29 Assembly and a final 5-year strategic plan within one year  
30 after the effective date of this amendatory Act of the 93rd  
31 General Assembly. Thereafter, the strategic plan shall be  
32 updated and issued to the Governor and General Assembly on or  
33 before July 1 of each year.

1 (105 ILCS 5/2-3.62a new)

2 Sec. 2-3.62a. Regional administrative service centers.

3 (a) The State Board of Education shall provide for the  
4 establishment and operation of not more than 15 regional  
5 administrative service centers. The regional administrative  
6 service centers shall be located throughout the State based on  
7 the location of the 15 regional learning technology centers  
8 established by the State Board of Education. Within 3 years  
9 after the effective date of this amendatory Act of the 93rd  
10 General Assembly, the State Board of Education shall report to  
11 the Governor and General Assembly concerning the effectiveness  
12 of these regional administrative service centers.

13 (b) The regional administrative service centers shall  
14 perform all of the following functions:

15 (1) Coordinate the delivery of educational resources  
16 and support services statewide, including assistance in  
17 complying with State and federal laws.

18 (2) Create greater accountability and quality of  
19 services from regional offices of education, including  
20 financial oversight and budget review of the regional  
21 offices of education.

22 (3) Issue annual report cards, in cooperation with  
23 school districts, for regional offices of education,  
24 grading without limitation all of the following:

25 (A) The efficiency and effectiveness of school  
26 districts served resulting from technical assistance  
27 and program support.

28 (B) The regional delivery of quality services.

29 (C) School district satisfaction.

30 (D) Delivery of support services that enhance  
31 student performance.

32 The report cards must be issued in conjunction with school  
33 report cards under Section 10-17a of this Code.

34 (4) Direct services provided to assist schools

1 designated as not meeting Illinois Learning Standards or  
2 federal student performance standards.

3 (5) Support programs and services to achieve  
4 uniformity among the academic performance of students  
5 statewide.

6 (6) Provide services to school districts to operate  
7 more efficiently and economically, including assistance  
8 with financial planning.

9 (c) A regional administrative service center may not  
10 adjudicate or enforce compliance with applicable laws or rules.

11 (105 ILCS 5/3-14.30 new)

12 Sec. 3-14.30. Grant applications. To assist and support  
13 school districts with the preparation and submission of grant  
14 applications.

15 (105 ILCS 5/10-19) (from Ch. 122, par. 10-19)

16 Sec. 10-19. Length of school term - experimental programs.  
17 Each school board shall annually prepare a calendar for the  
18 school term, specifying the opening and closing dates and  
19 providing a minimum term of at least 185 days to insure 176  
20 days of actual pupil attendance, computable under Section  
21 18-8.05, except that for the 1980-1981 school year only 175  
22 days of actual pupil attendance shall be required because of  
23 the closing of schools pursuant to Section 24-2 on January 29,  
24 1981 upon the appointment by the President of that day as a day  
25 of thanksgiving for the freedom of the Americans who had been  
26 held hostage in Iran. Any days allowed by law for teachers'  
27 institute but not used as such or used as parental institutes  
28 as provided in Section 10-22.18d shall increase the minimum  
29 term by the school days not so used. Except as provided in  
30 Section 10-19.1, the board may not extend the school term  
31 beyond such closing date unless that extension of term is  
32 necessary to provide the minimum number of computable days. In

1 case of such necessary extension school employees shall be paid  
2 for such additional time on the basis of their regular  
3 contracts. A school board may specify a closing date earlier  
4 than that set on the annual calendar when the schools of the  
5 district have provided the minimum number of computable days  
6 under this Section. Nothing in this Section prevents the board  
7 from employing superintendents of schools, principals and  
8 other nonteaching personnel for a period of 12 months, or in  
9 the case of superintendents for a period in accordance with  
10 Section 10-23.8, or prevents the board from employing other  
11 personnel before or after the regular school term with payment  
12 of salary proportionate to that received for comparable work  
13 during the school term.

14 A school board may make such changes in its calendar for  
15 the school term as may be required by any changes in the legal  
16 school holidays prescribed in Section 24-2. A school board may  
17 make changes in its calendar for the school term as may be  
18 necessary to reflect the utilization of teachers' institute  
19 days as parental institute days as provided in Section  
20 10-22.18d.

21 The calendar for the school term and any changes must be  
22 submitted to and approved by the regional superintendent of  
23 schools before the calendar or changes may take effect.

24 With the prior approval of the State Board of Education and  
25 subject to review by the State Board of Education every 3  
26 years, any school board may, by resolution of its board and in  
27 agreement with affected exclusive collective bargaining  
28 agents, establish experimental educational programs, including  
29 but not limited to programs for self-directed learning or  
30 outside of formal class periods, which programs when so  
31 approved shall be considered to comply with the requirements of  
32 this Section as respects numbers of days of actual pupil  
33 attendance and with the other requirements of this Act as  
34 respects courses of instruction.

1 (Source: P.A. 91-96, eff. 7-9-99.)

2 (105 ILCS 5/21-1b) (from Ch. 122, par. 21-1b)

3 Sec. 21-1b. Subject endorsement on certificates. All  
4 certificates initially issued under this Article after June 30,  
5 1986, shall be specifically endorsed by the State Board of  
6 Education for each subject the holder of the certificate is  
7 legally qualified to teach, such endorsements to be made in  
8 accordance with standards promulgated by the State Board of  
9 Education in consultation with the State Teacher Certification  
10 Board. The regional superintendent of schools, however, has the  
11 duty, after appropriate training, to accept and review all  
12 transcripts for new initial certificate applications and  
13 ensure that each applicant has met all of the criteria  
14 established by the State Board of Education in consultation  
15 with the State Teacher Certification Board. All certificates  
16 which are issued under this Article prior to July 1, 1986 may,  
17 by application to the State Board of Education, be specifically  
18 endorsed for each subject the holder is legally qualified to  
19 teach. Endorsements issued under this Section shall not apply  
20 to substitute teacher's certificates issued under Section 21-9  
21 of this Code.

22 Commencing July 1, 1999, each application for endorsement  
23 of an existing teaching certificate shall be accompanied by a  
24 \$30 nonrefundable fee. There is hereby created a Teacher  
25 Certificate Fee Revolving Fund as a special fund within the  
26 State Treasury. The proceeds of each \$30 fee shall be paid into  
27 the Teacher Certificate Fee Revolving Fund; and the moneys in  
28 that Fund shall be appropriated and used to provide the  
29 technology and other resources necessary for the timely and  
30 efficient processing of certification requests.

31 (Source: P.A. 91-102, eff. 7-12-99.)

32 (105 ILCS 5/21-1c) (from Ch. 122, par. 21-1c)

1           Sec. 21-1c. Exclusive certificate authority. Only the  
2 State Board of Education and State Teacher Certification Board,  
3 acting in accordance with the applicable provisions of this Act  
4 and the rules, regulations and standards promulgated  
5 thereunder, shall have the authority to issue or endorse any  
6 certificate required for teaching, supervising or holding  
7 certificated employment in the public schools; and no other  
8 State agency shall have any power or authority (i) to establish  
9 or prescribe any qualifications or other requirements  
10 applicable to the issuance or endorsement of any such  
11 certificate, or (ii) to establish or prescribe any licensure or  
12 equivalent requirement which must be satisfied in order to  
13 teach, supervise or hold certificated employment in the public  
14 schools. The regional superintendent of schools, however, has  
15 the duty, after appropriate training, to accept and review all  
16 transcripts for new initial certificate applications and  
17 ensure that each applicant has met all of the criteria  
18 established by the State Board of Education in consultation  
19 with the State Teacher Certification Board. This Section does  
20 not prohibit the State Board of Education, in consultation with  
21 the State Teacher Certification Board, from delegating to  
22 regional superintendents of schools the authority to grant  
23 temporary employment authorizations to teacher applicants  
24 whose qualifications have been confirmed by the State Board of  
25 Education, in consultation with the State Teacher  
26 Certification Board.

27       (Source: P.A. 91-102, eff. 7-12-99.)

28           (105 ILCS 5/21-12) (from Ch. 122, par. 21-12)

29           Sec. 21-12. Printing; Seal; Signature; Credentials. All  
30 certificates shall be printed by and bear the signatures of the  
31 chairman and of the secretary of the State Teacher  
32 Certification Board. Each certificate shall show the  
33 integrally printed seal of the State Teacher Certification

1 Board. All college credentials offered as the basis of a  
2 certificate shall be presented to the secretary of the State  
3 Teacher Certification Board for inspection and approval. The  
4 regional superintendent of schools, however, has the duty,  
5 after appropriate training, to accept and review all  
6 transcripts for new initial certificate applications and  
7 ensure that each applicant has met all of the criteria  
8 established by the State Board of Education in consultation  
9 with the State Teacher Certification Board.

10 Commencing July 1, 1999, each application for a certificate  
11 or evaluation of credentials shall be accompanied by an  
12 evaluation fee of \$30 payable to the State Superintendent of  
13 Education, which is not refundable, except that no application  
14 or evaluation fee shall be required for a Master Certificate  
15 issued pursuant to subsection (d) of Section 21-2 of this Code.  
16 The proceeds of each \$30 fee shall be paid into the Teacher  
17 Certificate Fee Revolving Fund, created under Section 21-1b of  
18 this Code; and the moneys in that Fund shall be appropriated  
19 and used to provide the technology and other resources  
20 necessary for the timely and efficient processing of  
21 certification requests.

22 When evaluation verifies the requirements for a valid  
23 certificate, the applicant shall be issued an entitlement card  
24 that may be presented to a regional superintendent of schools  
25 for issuance of a certificate.

26 The applicant shall be notified of any deficiencies.  
27 (Source: P.A. 91-102, eff. 7-12-99; 91-357, eff. 7-29-99.)

28 (105 ILCS 5/34-18) (from Ch. 122, par. 34-18)

29 Sec. 34-18. Powers of the board. The board shall exercise  
30 general supervision and jurisdiction over the public education  
31 and the public school system of the city, and, except as  
32 otherwise provided by this Article, shall have power:

33 1. To make suitable provision for the establishment and

1 maintenance throughout the year or for such portion thereof  
2 as it may direct, not less than 9 months, of schools of all  
3 grades and kinds, including normal schools, high schools,  
4 night schools, schools for defectives and delinquents,  
5 parental and truant schools, schools for the blind, the  
6 deaf and the crippled, schools or classes in manual  
7 training, constructural and vocational teaching, domestic  
8 arts and physical culture, vocation and extension schools  
9 and lecture courses, and all other educational courses and  
10 facilities, including establishing, equipping, maintaining  
11 and operating playgrounds and recreational programs, when  
12 such programs are conducted in, adjacent to, or connected  
13 with any public school under the general supervision and  
14 jurisdiction of the board; provided,~~however,~~ that the  
15 calendar for the school term and any changes must be  
16 submitted to and approved by the State Board of Education  
17 before the calendar or changes may take effect, and  
18 provided that in allocating funds from year to year for the  
19 operation of all attendance centers within the district,  
20 the board shall ensure that supplemental general State aid  
21 funds are allocated and applied in accordance with Section  
22 18-8 or 18-8.05. To admit to such schools without charge  
23 foreign exchange students who are participants in an  
24 organized exchange student program which is authorized by  
25 the board. The board shall permit all students to enroll in  
26 apprenticeship programs in trade schools operated by the  
27 board, whether those programs are union-sponsored or not.  
28 No student shall be refused admission into or be excluded  
29 from any course of instruction offered in the common  
30 schools by reason of that student's sex. No student shall  
31 be denied equal access to physical education and  
32 interscholastic athletic programs supported from school  
33 district funds or denied participation in comparable  
34 physical education and athletic programs solely by reason

1 of the student's sex. Equal access to programs supported  
2 from school district funds and comparable programs will be  
3 defined in rules promulgated by the State Board of  
4 Education in consultation with the Illinois High School  
5 Association. Notwithstanding any other provision of this  
6 Article, neither the board of education nor any local  
7 school council or other school official shall recommend  
8 that children with disabilities be placed into regular  
9 education classrooms unless those children with  
10 disabilities are provided with supplementary services to  
11 assist them so that they benefit from the regular classroom  
12 instruction and are included on the teacher's regular  
13 education class register;

14 2. To furnish lunches to pupils, to make a reasonable  
15 charge therefor, and to use school funds for the payment of  
16 such expenses as the board may determine are necessary in  
17 conducting the school lunch program;

18 3. To co-operate with the circuit court;

19 4. To make arrangements with the public or quasi-public  
20 libraries and museums for the use of their facilities by  
21 teachers and pupils of the public schools;

22 5. To employ dentists and prescribe their duties for  
23 the purpose of treating the pupils in the schools, but  
24 accepting such treatment shall be optional with parents or  
25 guardians;

26 6. To grant the use of assembly halls and classrooms  
27 when not otherwise needed, including light, heat, and  
28 attendants, for free public lectures, concerts, and other  
29 educational and social interests, free of charge, under  
30 such provisions and control as the principal of the  
31 affected attendance center may prescribe;

32 7. To apportion the pupils to the several schools;  
33 provided that no pupil shall be excluded from or segregated  
34 in any such school on account of his color, race, sex, or

1       nationality. The board shall take into consideration the  
2       prevention of segregation and the elimination of  
3       separation of children in public schools because of color,  
4       race, sex, or nationality. Except that children may be  
5       committed to or attend parental and social adjustment  
6       schools established and maintained either for boys or girls  
7       only. All records pertaining to the creation, alteration or  
8       revision of attendance areas shall be open to the public.  
9       Nothing herein shall limit the board's authority to  
10      establish multi-area attendance centers or other student  
11      assignment systems for desegregation purposes or  
12      otherwise, and to apportion the pupils to the several  
13      schools. Furthermore, beginning in school year 1994-95,  
14      pursuant to a board plan adopted by October 1, 1993, the  
15      board shall offer, commencing on a phased-in basis, the  
16      opportunity for families within the school district to  
17      apply for enrollment of their children in any attendance  
18      center within the school district which does not have  
19      selective admission requirements approved by the board.  
20      The appropriate geographical area in which such open  
21      enrollment may be exercised shall be determined by the  
22      board of education. Such children may be admitted to any  
23      such attendance center on a space available basis after all  
24      children residing within such attendance center's area  
25      have been accommodated. If the number of applicants from  
26      outside the attendance area exceed the space available,  
27      then successful applicants shall be selected by lottery.  
28      The board of education's open enrollment plan must include  
29      provisions that allow low income students to have access to  
30      transportation needed to exercise school choice. Open  
31      enrollment shall be in compliance with the provisions of  
32      the Consent Decree and Desegregation Plan cited in Section  
33      34-1.01;

34           8. To approve programs and policies for providing

1 transportation services to students. Nothing herein shall  
2 be construed to permit or empower the State Board of  
3 Education to order, mandate, or require busing or other  
4 transportation of pupils for the purpose of achieving  
5 racial balance in any school;

6 9. Subject to the limitations in this Article, to  
7 establish and approve system-wide curriculum objectives  
8 and standards, including graduation standards, which  
9 reflect the multi-cultural diversity in the city and are  
10 consistent with State law, provided that for all purposes  
11 of this Article courses or proficiency in American Sign  
12 Language shall be deemed to constitute courses or  
13 proficiency in a foreign language; and to employ principals  
14 and teachers, appointed as provided in this Article, and  
15 fix their compensation. The board shall prepare such  
16 reports related to minimal competency testing as may be  
17 requested by the State Board of Education, and in addition  
18 shall monitor and approve special education and bilingual  
19 education programs and policies within the district to  
20 assure that appropriate services are provided in  
21 accordance with applicable State and federal laws to  
22 children requiring services and education in those areas;

23 10. To employ non-teaching personnel or utilize  
24 volunteer personnel for: (i) non-teaching duties not  
25 requiring instructional judgment or evaluation of pupils,  
26 including library duties; and (ii) supervising study  
27 halls, long distance teaching reception areas used  
28 incident to instructional programs transmitted by  
29 electronic media such as computers, video, and audio,  
30 detention and discipline areas, and school-sponsored  
31 extracurricular activities. The board may further utilize  
32 volunteer non-certificated personnel or employ  
33 non-certificated personnel to assist in the instruction of  
34 pupils under the immediate supervision of a teacher holding

1 a valid certificate, directly engaged in teaching subject  
2 matter or conducting activities; provided that the teacher  
3 shall be continuously aware of the non-certificated  
4 persons' activities and shall be able to control or modify  
5 them. The general superintendent shall determine  
6 qualifications of such personnel and shall prescribe rules  
7 for determining the duties and activities to be assigned to  
8 such personnel;

9 10.5. To utilize volunteer personnel from a regional  
10 School Crisis Assistance Team (S.C.A.T.), created as part  
11 of the Safe to Learn Program established pursuant to  
12 Section 25 of the Illinois Violence Prevention Act of 1995,  
13 to provide assistance to schools in times of violence or  
14 other traumatic incidents within a school community by  
15 providing crisis intervention services to lessen the  
16 effects of emotional trauma on individuals and the  
17 community; the School Crisis Assistance Team Steering  
18 Committee shall determine the qualifications for  
19 volunteers;

20 11. To provide television studio facilities in not to  
21 exceed one school building and to provide programs for  
22 educational purposes, provided, however, that the board  
23 shall not construct, acquire, operate, or maintain a  
24 television transmitter; to grant the use of its studio  
25 facilities to a licensed television station located in the  
26 school district; and to maintain and operate not to exceed  
27 one school radio transmitting station and provide programs  
28 for educational purposes;

29 12. To offer, if deemed appropriate, outdoor education  
30 courses, including field trips within the State of  
31 Illinois, or adjacent states, and to use school educational  
32 funds for the expense of the said outdoor educational  
33 programs, whether within the school district or not;

34 13. During that period of the calendar year not

1 embraced within the regular school term, to provide and  
2 conduct courses in subject matters normally embraced in the  
3 program of the schools during the regular school term and  
4 to give regular school credit for satisfactory completion  
5 by the student of such courses as may be approved for  
6 credit by the State Board of Education;

7 14. To insure against any loss or liability of the  
8 board, the former School Board Nominating Commission,  
9 Local School Councils, the Chicago Schools Academic  
10 Accountability Council, or the former Subdistrict Councils  
11 or of any member, officer, agent or employee thereof,  
12 resulting from alleged violations of civil rights arising  
13 from incidents occurring on or after September 5, 1967 or  
14 from the wrongful or negligent act or omission of any such  
15 person whether occurring within or without the school  
16 premises, provided the officer, agent or employee was, at  
17 the time of the alleged violation of civil rights or  
18 wrongful act or omission, acting within the scope of his  
19 employment or under direction of the board, the former  
20 School Board Nominating Commission, the Chicago Schools  
21 Academic Accountability Council, Local School Councils, or  
22 the former Subdistrict Councils; and to provide for or  
23 participate in insurance plans for its officers and  
24 employees, including but not limited to retirement  
25 annuities, medical, surgical and hospitalization benefits  
26 in such types and amounts as may be determined by the  
27 board; provided, however, that the board shall contract for  
28 such insurance only with an insurance company authorized to  
29 do business in this State. Such insurance may include  
30 provision for employees who rely on treatment by prayer or  
31 spiritual means alone for healing, in accordance with the  
32 tenets and practice of a recognized religious  
33 denomination;

34 15. To contract with the corporate authorities of any

1 municipality or the county board of any county, as the case  
2 may be, to provide for the regulation of traffic in parking  
3 areas of property used for school purposes, in such manner  
4 as is provided by Section 11-209 of The Illinois Vehicle  
5 Code, approved September 29, 1969, as amended;

6 16. (a) To provide, on an equal basis, access to a high  
7 school campus and student directory information to the  
8 official recruiting representatives of the armed forces of  
9 Illinois and the United States for the purposes of  
10 informing students of the educational and career  
11 opportunities available in the military if the board has  
12 provided such access to persons or groups whose purpose is  
13 to acquaint students with educational or occupational  
14 opportunities available to them. The board is not required  
15 to give greater notice regarding the right of access to  
16 recruiting representatives than is given to other persons  
17 and groups. In this paragraph 16, "directory information"  
18 means a high school student's name, address, and telephone  
19 number.

20 (b) If a student or his or her parent or guardian  
21 submits a signed, written request to the high school before  
22 the end of the student's sophomore year (or if the student  
23 is a transfer student, by another time set by the high  
24 school) that indicates that the student or his or her  
25 parent or guardian does not want the student's directory  
26 information to be provided to official recruiting  
27 representatives under subsection (a) of this Section, the  
28 high school may not provide access to the student's  
29 directory information to these recruiting representatives.  
30 The high school shall notify its students and their parents  
31 or guardians of the provisions of this subsection (b).

32 (c) A high school may require official recruiting  
33 representatives of the armed forces of Illinois and the  
34 United States to pay a fee for copying and mailing a

1 student's directory information in an amount that is not  
2 more than the actual costs incurred by the high school.

3 (d) Information received by an official recruiting  
4 representative under this Section may be used only to  
5 provide information to students concerning educational and  
6 career opportunities available in the military and may not  
7 be released to a person who is not involved in recruiting  
8 students for the armed forces of Illinois or the United  
9 States;

10 17. (a) To sell or market any computer program  
11 developed by an employee of the school district, provided  
12 that such employee developed the computer program as a  
13 direct result of his or her duties with the school district  
14 or through the utilization of the school district resources  
15 or facilities. The employee who developed the computer  
16 program shall be entitled to share in the proceeds of such  
17 sale or marketing of the computer program. The distribution  
18 of such proceeds between the employee and the school  
19 district shall be as agreed upon by the employee and the  
20 school district, except that neither the employee nor the  
21 school district may receive more than 90% of such proceeds.  
22 The negotiation for an employee who is represented by an  
23 exclusive bargaining representative may be conducted by  
24 such bargaining representative at the employee's request.

25 (b) For the purpose of this paragraph 17:

26 (1) "Computer" means an internally programmed,  
27 general purpose digital device capable of  
28 automatically accepting data, processing data and  
29 supplying the results of the operation.

30 (2) "Computer program" means a series of coded  
31 instructions or statements in a form acceptable to a  
32 computer, which causes the computer to process data in  
33 order to achieve a certain result.

34 (3) "Proceeds" means profits derived from

1 marketing or sale of a product after deducting the  
2 expenses of developing and marketing such product;

3 18. To delegate to the general superintendent of  
4 schools, by resolution, the authority to approve contracts  
5 and expenditures in amounts of \$10,000 or less;

6 19. Upon the written request of an employee, to  
7 withhold from the compensation of that employee any dues,  
8 payments or contributions payable by such employee to any  
9 labor organization as defined in the Illinois Educational  
10 Labor Relations Act. Under such arrangement, an amount  
11 shall be withheld from each regular payroll period which is  
12 equal to the pro rata share of the annual dues plus any  
13 payments or contributions, and the board shall transmit  
14 such withholdings to the specified labor organization  
15 within 10 working days from the time of the withholding;

16 19a. Upon receipt of notice from the comptroller of a  
17 municipality with a population of 500,000 or more, a county  
18 with a population of 3,000,000 or more, the Cook County  
19 Forest Preserve District, the Chicago Park District, the  
20 Metropolitan Water Reclamation District, the Chicago  
21 Transit Authority, or a housing authority of a municipality  
22 with a population of 500,000 or more that a debt is due and  
23 owing the municipality, the county, the Cook County Forest  
24 Preserve District, the Chicago Park District, the  
25 Metropolitan Water Reclamation District, the Chicago  
26 Transit Authority, or the housing authority by an employee  
27 of the Chicago Board of Education, to withhold, from the  
28 compensation of that employee, the amount of the debt that  
29 is due and owing and pay the amount withheld to the  
30 municipality, the county, the Cook County Forest Preserve  
31 District, the Chicago Park District, the Metropolitan  
32 Water Reclamation District, the Chicago Transit Authority,  
33 or the housing authority; provided, however, that the  
34 amount deducted from any one salary or wage payment shall

1 not exceed 25% of the net amount of the payment. Before the  
2 Board deducts any amount from any salary or wage of an  
3 employee under this paragraph, the municipality, the  
4 county, the Cook County Forest Preserve District, the  
5 Chicago Park District, the Metropolitan Water Reclamation  
6 District, the Chicago Transit Authority, or the housing  
7 authority shall certify that (i) the employee has been  
8 afforded an opportunity for a hearing to dispute the debt  
9 that is due and owing the municipality, the county, the  
10 Cook County Forest Preserve District, the Chicago Park  
11 District, the Metropolitan Water Reclamation District, the  
12 Chicago Transit Authority, or the housing authority and  
13 (ii) the employee has received notice of a wage deduction  
14 order and has been afforded an opportunity for a hearing to  
15 object to the order. For purposes of this paragraph, "net  
16 amount" means that part of the salary or wage payment  
17 remaining after the deduction of any amounts required by  
18 law to be deducted and "debt due and owing" means (i) a  
19 specified sum of money owed to the municipality, the  
20 county, the Cook County Forest Preserve District, the  
21 Chicago Park District, the Metropolitan Water Reclamation  
22 District, the Chicago Transit Authority, or the housing  
23 authority for services, work, or goods, after the period  
24 granted for payment has expired, or (ii) a specified sum of  
25 money owed to the municipality, the county, the Cook County  
26 Forest Preserve District, the Chicago Park District, the  
27 Metropolitan Water Reclamation District, the Chicago  
28 Transit Authority, or the housing authority pursuant to a  
29 court order or order of an administrative hearing officer  
30 after the exhaustion of, or the failure to exhaust,  
31 judicial review;

32 20. The board is encouraged to employ a sufficient  
33 number of certified school counselors to maintain a  
34 student/counselor ratio of 250 to 1 by July 1, 1990. Each

1 counselor shall spend at least 75% of his work time in  
2 direct contact with students and shall maintain a record of  
3 such time;

4 21. To make available to students vocational and career  
5 counseling and to establish 5 special career counseling  
6 days for students and parents. On these days  
7 representatives of local businesses and industries shall  
8 be invited to the school campus and shall inform students  
9 of career opportunities available to them in the various  
10 businesses and industries. Special consideration shall be  
11 given to counseling minority students as to career  
12 opportunities available to them in various fields. For the  
13 purposes of this paragraph, minority student means a person  
14 who is:

15 (a) Black (a person having origins in any of the  
16 black racial groups in Africa);

17 (b) Hispanic (a person of Spanish or Portuguese  
18 culture with origins in Mexico, South or Central  
19 America, or the Caribbean islands, regardless of  
20 race);

21 (c) Asian American (a person having origins in any  
22 of the original peoples of the Far East, Southeast  
23 Asia, the Indian Subcontinent or the Pacific Islands);  
24 or

25 (d) American Indian or Alaskan Native (a person  
26 having origins in any of the original peoples of North  
27 America).

28 Counseling days shall not be in lieu of regular school  
29 days;

30 22. To report to the State Board of Education the  
31 annual student dropout rate and number of students who  
32 graduate from, transfer from or otherwise leave bilingual  
33 programs;

34 23. Except as otherwise provided in the Abused and

1 Neglected Child Reporting Act or other applicable State or  
2 federal law, to permit school officials to withhold, from  
3 any person, information on the whereabouts of any child  
4 removed from school premises when the child has been taken  
5 into protective custody as a victim of suspected child  
6 abuse. School officials shall direct such person to the  
7 Department of Children and Family Services, or to the local  
8 law enforcement agency if appropriate;

9 24. To develop a policy, based on the current state of  
10 existing school facilities, projected enrollment and  
11 efficient utilization of available resources, for capital  
12 improvement of schools and school buildings within the  
13 district, addressing in that policy both the relative  
14 priority for major repairs, renovations and additions to  
15 school facilities, and the advisability or necessity of  
16 building new school facilities or closing existing schools  
17 to meet current or projected demographic patterns within  
18 the district;

19 25. To make available to the students in every high  
20 school attendance center the ability to take all courses  
21 necessary to comply with the Board of Higher Education's  
22 college entrance criteria effective in 1993;

23 26. To encourage mid-career changes into the teaching  
24 profession, whereby qualified professionals become  
25 certified teachers, by allowing credit for professional  
26 employment in related fields when determining point of  
27 entry on teacher pay scale;

28 27. To provide or contract out training programs for  
29 administrative personnel and principals with revised or  
30 expanded duties pursuant to this Act in order to assure  
31 they have the knowledge and skills to perform their duties;

32 28. To establish a fund for the prioritized special  
33 needs programs, and to allocate such funds and other lump  
34 sum amounts to each attendance center in a manner

1 consistent with the provisions of part 4 of Section 34-2.3.  
2 Nothing in this paragraph shall be construed to require any  
3 additional appropriations of State funds for this purpose;

4 29. (Blank);

5 30. Notwithstanding any other provision of this Act or  
6 any other law to the contrary, to contract with third  
7 parties for services otherwise performed by employees,  
8 including those in a bargaining unit, and to layoff those  
9 employees upon 14 days written notice to the affected  
10 employees. Those contracts may be for a period not to  
11 exceed 5 years and may be awarded on a system-wide basis;

12 31. To promulgate rules establishing procedures  
13 governing the layoff or reduction in force of employees and  
14 the recall of such employees, including, but not limited  
15 to, criteria for such layoffs, reductions in force or  
16 recall rights of such employees and the weight to be given  
17 to any particular criterion. Such criteria shall take into  
18 account factors including, but not be limited to,  
19 qualifications, certifications, experience, performance  
20 ratings or evaluations, and any other factors relating to  
21 an employee's job performance;

22 32. To develop a policy to prevent nepotism in the  
23 hiring of personnel or the selection of contractors;

24 33. To enter into a partnership agreement, as required  
25 by Section 34-3.5 of this Code, and, notwithstanding any  
26 other provision of law to the contrary, to promulgate  
27 policies, enter into contracts, and take any other action  
28 necessary to accomplish the objectives and implement the  
29 requirements of that agreement; and

30 34. To establish a Labor Management Council to the  
31 board comprised of representatives of the board, the chief  
32 executive officer, and those labor organizations that are  
33 the exclusive representatives of employees of the board and  
34 to promulgate policies and procedures for the operation of

1 the Council.

2 The specifications of the powers herein granted are not to  
3 be construed as exclusive but the board shall also exercise all  
4 other powers that they may be requisite or proper for the  
5 maintenance and the development of a public school system, not  
6 inconsistent with the other provisions of this Article or  
7 provisions of this Code which apply to all school districts.

8 In addition to the powers herein granted and authorized to  
9 be exercised by the board, it shall be the duty of the board to  
10 review or to direct independent reviews of special education  
11 expenditures and services. The board shall file a report of  
12 such review with the General Assembly on or before May 1, 1990.  
13 (Source: P.A. 92-109, eff. 7-20-01; 92-527, eff. 6-1-02;  
14 92-724, eff. 7-25-02; 93-3, eff. 4-16-03.)

15 Section 90. The State Mandates Act is amended by adding  
16 Section 8.28 as follows:

17 (30 ILCS 805/8.28 new)

18 Sec. 8.28. Exempt mandate. Notwithstanding Sections 6 and 8  
19 of this Act, no reimbursement by the State is required for the  
20 implementation of any mandate created by this amendatory Act of  
21 the 93rd General Assembly.

22 Section 99. Effective date. This Act takes effect upon  
23 becoming law."